

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

~~JUDGE CASTEL~~

UNITED STATES OF AMERICA

13 CRIM 012  
INFORMATION

- v. -  
MICHAEL HOGUE,  
a/k/a "xVisceral,"  
Defendant.

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- - - - - x

13 Cr.  
USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: JAN 09 2013

COUNT ONE  
(Conspiracy to Commit Computer Hacking)

The United States Attorney charges:

1. From at least in or about 2009, up to and including in or about June 2012, in the Southern District of New York and elsewhere, MICHAEL HOGUE, a/k/a "xVisceral," the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to engage in computer hacking, in violation of Title 18, United States Code, Section 1030(a)(5)(A).

2. It was a part and an object of the conspiracy that MICHAEL HOGUE, a/k/a "xVisceral," the defendant, and others known and unknown, knowingly would and did cause the transmission of a program, information, code and command, and, as a result of such conduct, would and did intentionally cause damage without authorization, to a protected computer, which would and did cause damage affecting 10 and more protected computers during a one-year period, in violation of Title 18,

United States Code, Sections 1030(a)(5)(A), 1030(c)(4)(B)(i) and (c)(4)(A)(i)(VI), to wit, HOGUE used malware to infect computers and sold that malware to others, enabling them to infect and remotely control victims' computers.

(Title 18, United States Code, Section 1030(b).)

**COUNT TWO**  
**(Distribution of Malware)**

The United States Attorney further charges:

3. From at least in or about 2009, up to and including in or about June 2012, in the Southern District of New York and elsewhere, MICHAEL HOGUE, a/k/a "xVisceral," the defendant, knowingly caused the transmission of a program, information, code, and command, and as a result of such conduct, intentionally caused damage without authorization to a protected computer, and thereby caused damage affecting 10 and more protected computers during a one-year period, to wit, HOGUE used malware to infect computers and sold that malware to others, enabling them to infect and remotely control victims' computers.

(Title 18, United States Code, Sections 1030(a)(5)(A), 1030(c)(4)(B)(i) and (c)(4)(A)(i)(VI), and 2.)

**FORFEITURE ALLEGATION**

4. As a result of committing one or more of the offenses alleged in Counts One and Two of this Information, MICHAEL HOGUE, a/k/a "xVisceral," the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(B), any

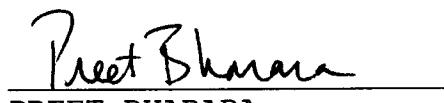
property constituting, or derived from, proceeds obtained directly or indirectly as a result of one or more of the offenses, including but not limited to a sum of money equal to \$40,000 representing the amount of proceeds obtained as a result of one or more of the said offenses.

SUBSTITUTE ASSETS PROVISION

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:
  - a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third person;
  - c. has been placed beyond the jurisdiction of the Court;
  - d. has been substantially diminished in value; or
  - e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b)(1) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 982(a)(2)(A), 982(a)(2)(B), and Title 21, United States Code, Section 853(p).)

  
Preet Bharara  
PREET BHARARA  
United States Attorney

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13 Cr. (PKC)

(18 U.S.C. § 1030(a)(5)(A), 1030(b),  
1030(c)(4)(B)(i) and (c)(4)(A)(i)(VI) and  
2.)

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PREET BHARARA  
United States Attorney.

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Filed January 9, 2013

J. Costel